

In the Court of Appeals of the State of Alaska

Christian Lynn Beier,
Appellant,

v.

State of Alaska,
Appellee.

Court of Appeals No. **A-13316**

Order

Date of Order: **June 15, 2020**

Trial Court Case No. **3AN-15-09578CR**

Before: Allard, Chief Judge, and Wollenberg and Harbison, Judges.

Christian Lynn Beier was convicted of two counts of attempted murder for shooting Conor Lally and Caia Delavergne. The jury rejected Beier’s claim that he shot the victims in the heat of passion, and Beier is appealing his convictions.

Beier’s appellate attorney has filed a motion asking this Court to review certain sealed documents. In that motion, the attorney asks this Court to review documents contained in the record under seal and to release the documents to the parties if they contain any evidence relevant to the defense case.

In its response to Beier’s motion, the State notes that, before Beier’s trial, it asked the trial court to conduct an *in camera* review of certain records. The State indicates that it “does not object to this Court reviewing the sealed documents *in camera*, as the trial court did. However, the State objects to Beier’s argument that the Court unseal the documents at the outset.”

This Court has obtained the sealed records from the trial court. The sealed records include the State’s *ex parte* motion and proposed orders, but it does not include

any of the confidential materials that were the subject of the State's *ex parte* motion. From our review, it appears that the trial court never acted on the State's *ex parte* motion and never conducted the *in camera* review contemplated by the State's motion.

Accordingly, we remand this case to the trial court for correction of this error. On remand, the trial court shall issue an *ex parte* order requiring the agency in possession of the confidential materials to either produce these materials for *in camera* review and disclosure to the defense and prosecution, if appropriate, or show cause why such a review and disclosure should not occur. The order shall also give notice to the person who has an interest in the confidentiality of these materials and give that person an opportunity to appear and show cause why an *in camera* review should not be conducted and disclosure should not occur. (We note that the State provided an appropriate draft order with its *ex parte* motion.)

If production of the confidential materials occurs, the trial court shall then conduct an *in camera* review of the materials and disclose the materials to the attorneys on appeal, as appropriate. If the court orders disclosure, the court shall consider whether to impose a protective order that would guard the confidentiality of these materials from the public. (The State has provided such a disclosure order with its *ex parte* motion.) If the trial court determines that disclosure is not appropriate, the court shall issue an order to that effect to the parties and shall also make independent written findings explaining its decision. These written findings shall be made part of the sealed record and will be for the benefit of the appellate court.

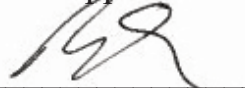
Once the trial court has issued its final order on the State's motion for *in camera* review, we will resume our consideration of Beier's motion.

Beier v. State - p. 3
File No. A-13316
June 15, 2020

IT IS ORDERED that this case is REMANDED to the trial court for further proceedings consistent with this order. Unless the time is extended for good cause, the trial court shall complete its consideration of the State's *ex parte* motion within 60 days. As soon as the trial court has completed its consideration, it shall transmit its order(s), as well as any documents it obtains, to this Court.

Entered at the direction of the Court.

Clerk of the Appellate Courts



Ryan Montgomery-Sythe,
Chief Deputy Clerk

cc: Court of Appeals Judges
Judge Aarseth
Judge Saxby
Trial Court Clerk

Distribution:

Email:
Strout, Cynthia L.
Soderstrom, Donald